REMARKS

The Office Action mailed June 6, 2002 has been reviewed and carefully considered. Claim 20 has been incorporated into claim 15 and canceled, without prejudice. Claims 15 to 19 and 23 to 28 have been amended. Claims 15 to 19 and 21 to 29 remain pending in this application. Of these, claims 15 and 23 are the independent claims.

Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

Claim Rejections Under 35 U.S.C. 112, First Paragraph

1. Claims 25 to 29 were rejected under 35 U.S.C. 112, first paragraph for lacking disclosure in the specification as to how to make and/or use the invention. The Office Action cited the claim 25 limitation "an element interfaced with the magazine for expanding the flattened label" as lacking supporting disclosure as to how the expansion occurs. The Office Action cites from the specification that the label is "deformed and/or opened or expanded, e.g. by blowing thereby giving it again a shape that is close to its final shape." However, the full quotation from the specification is:

> In preferred embodiments of the invention, the pre-shaped label is deformed and/or folded so as to flatten it, thereby enabling it to be stored flat; the previously shaped and flattened label is then again deformed and/or opened or expanded, e.g. by blowing, thereby giving it again a shape that is close to its final shape as previously imparted to it.

Base claim 25, from which claims 26 to 29 depend, has now been amended for clarity to recite:

> a blowing element interfaced with the magazine for expanding the label to unflatten the label, wherein the movable pneumatic transfer element, in communication with the blowing element, grips said outside face of the label as the label expands to said unflattened state.

Based on the foregoing, it is submitted that the specification has sufficient disclosure to enable one of ordinary skill to practice the invention.

Reconsideration and withdrawal of the rejection is therefore respectfully requested.

Claim Rejections Under 35 U.S.C. 112, Second Paragraph

2. Claims 25 to 29 were rejected under 35 U.S.C. 112, second paragraph, for indefiniteness as to how the element interfaced with the magazine expands the label. As indicated above, base claim 25 has been amended to clarify how the label is expanded. Reconsideration and withdrawal of the rejection is respectfully requested.

Claim Rejections Under 35 U.S.C. 102(b)

3. Claims 15 and 23 were rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 5,614,146 to Nakamura et. al. ("Nakamura").

The present invention as recited in amended claim 15 comprises the successive steps of (a) gripping an outside face of the shaped label with movable pneumatic gripping means and (b) transferring and depositing the shaped label onto the core by the movable gripping means. Support for the amendment of claim 15 is found in original claims 2, 3 and 8 and in the specification on page 1, lines 24 to 32 and page 2, lines 30 to 37.

Nakamura, by contrast, is directed to supplying labels to an injection mold, but by depositing labels into the female portion of the mold. The injection molding machine 5 has a fixed die 6, i.e. a matrix or female portion, and a core 7 mounted on a moveable die holder 7A (col. 4, lines 12 to 17). Pseudo-core 2 is a part of a label transferring device, and is provided with suction holes 21b that allow i) contacting and winding a flat label and ii) holding a wound label L around the core (col. 3, lines 54 to 64; col. 4, lines 45 to 60). Pseudo-core 2 is used to

hold and transfer a wound label into a female portion of the mold (col. 5, lines 1 to 14) in contrast to the present invention of claim 15, which deposits the label onto the core.

In addition, Nakamura fails to disclose "the shaped label" of the present invention of claim 15 which "is shaped in an unflattened configuration, wherein the label is shaped by sealing at least two edges together." It is further submitted that Nakamura's use of holes on the cup-shaped pseudo-core to suction a flat label is unlikely to align the wound label edges flush and adjacent as portrayed in FIG. 5 of Nakamura, since the label is not guided in any way during its winding around the pseudo-core.

Nakamura also fails to disclose "gripping an outside face of the shaped label" wherein "the label is shaped in an unflattened configuration, wherein the label is shaped by sealing at least two edges together."

Nakamura fails to anticipate the invention as recited in claim 15 for at least the above reasons. Reconsideration and withdrawal of the rejection is respectfully requested.

As to claim 23, it too recites a movable pneumatic transfer element "for pneumatically gripping the label by contacting an outside face of the label, and for depositing the label on the male portion of the mold." Accordingly, Nakamura likewise fails to anticipate claim 23 for at least this reason. Support for the amendment of claim 23 is found in original claims 2, 3 and 8 and in the specification on page 1, lines 24 to 32 and page 2, lines 30 to 37. Reconsideration and withdrawal of the rejection is respectfully requested.

4. Claims 15, 19, 20 and 23 were rejected under 35 U.S.C. 102(b) as anticipated by Swiss-Liechtenstein Patent No. CH 638,718 A to Sandherr Max AG ("Sandherr").

Sandherr discloses label transfer means implemented as a holding chute 44 delimited by two guide jaws 46, 48. The label "then drops into a holding chute delimited by two

guide jaws 46, 48." Sandherr fails to disclose "gripping an outside face of the shaped label with movable pneumatic gripping means" as in the invention recited in amended claim 15. Sandherr fails to anticipate claim 15 for at least this reason.

Sandherr also fails to disclose "transferring and depositing the shaped label onto the core by the movable gripping means" as in the present invention of claim 15.

It is also noted that Sandherr's method is unsuitable for precisely placing thin labels "having a thickness less than or equal to 80 microns" as in the present invention of claim 15. Reconsideration and withdrawal of the rejection is respectfully requested.

As to claims 19 and 20, they depend from claim 15 and are likewise not anticipated by Sandherr.

As to claim 23, it likewise requires "pneumatically gripping the label by contacting an outside face of the label, for depositing the label on the male portion of the mold." Accordingly, Sandherr fails to anticipate claim 23. Reconsideration and withdrawal of the rejection is respectfully requested.

5. Claims 18, 21 and 22 were rejected under 35 U.S.C. 103(a) as unpatentable over Sandherr in view of alleged admitted prior art.

The alleged prior art fails to make up for the deficiencies in Sandherr with regard to base claim 15. Dependent claims 18, 21 and 22 are likewise not obvious in view of the applied references.

6. Claim 16 was rejected under 35 U.S.C. 103(a) as unpatentable over Sandherr in view of Nakamura and allegedly admitted prior art.

Nakamura and the alleged prior art both fail to make up for the deficiencies in Sandherr with regard to base claim 15 and thus with regard to dependent claim 16.

7. Claims 17, 24 and 25 were rejected under 35 U.S.C. 103(a) as unpatentable over Sandherr, in view of Nakamura, U.S. Patent No. 3,602,496 to Langenohl ("Langenohl"), U.S. Patent No. 6,159,568 to Freedman et. al. ("Freedman"), U.S. Patent No. 4,986,866 to Ohba et. al. ("Ohba") and U.S. Patent No. 4,992,038 to Furuse et. al. ("Furuse").

None of the cited references makes up for the deficiencies in Sandherr. Therefore, claim 17, which depends from base claim 15, and claims 24 and 25, which depend from base claim 23, are non-obvious over the cited combinations.

8. Claims 15, 16 and 18 to 23 were rejected under 35 U.S.C. 103(a) as unpatentable over Nakamura in view of Sandherr.

Sandherr fails to make up for the deficiencies in Nakamura. Therefore, claims 15 and dependent claims 16 and 18, and base claim 23, are non-obvious over the cited combinations.

9. Claims 17 and 24 were rejected under 35 U.S.C. 103(a) as unpatentable over Nakamura, Sandherr, Langenohl, Freedman, Ohba and Furuse.

None of the cited references makes up for the deficiencies in Nakamura. Therefore, claims 17 and 24, which depend from claims 15 and 23, respectively, are non-obvious over the cited combinations.

In view of the foregoing amendments and remarks, it is believed that this application is now in condition for allowance. The Examiner is invited to contact the undersigned in the event of any perceived outstanding issues so that passage of the case to issue can be effected without the need for a further Office Action.

It is believed that no fees or charges are required at this time in connection with the present application; however, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

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AMENDMENTS TO THE SPECIFICATION AND CLAIMS SHOWING CHANGES

IN THE SPECIFICATION:

Page 1, before line 3, the caption reading with "BACKGROUND OF THE INVENTION" insert the following title and paragraph:

-- PRIORITY CLAIM

This is a U.S. national stage of application No. PCT/FR98/00785, filed on April 17, 1998. Priority is claimed on that application [Click here and delete what is not needed] and on the following application(s) Country: France, Application No.: 97/05036, Filed: April 18, 1997

IN THE CLAIMS:

Please cancel claim 20.

Kindly amend the following claims as shown:

15. A method of injection molding a receptacle fitted with a flat covering label [chosen from a group of covering labels] having a thickness less than or equal to 80 microns, in which method the label is shaped in an unflattened configuration, [and] wherein the [covering] label is shaped by sealing [has] at least two edges [joined] together, the label being inserted into a mold prior to molding, the mold having a mold core, a mold matrix, and a molding space between the core and the matrix, the method comprising the successive steps of:

i) gripping an outside face of the shaped label with movable pneumatic gripping means;

ii) transferring and depositing the shaped label onto [a male portion of a mold] the core by the movable gripping means;

iii) closing the mold; and

iv) introducing plastics material in the molding space.

16. The method recited in claim 15, wherein the shaped label material has a thickness less than or equal to 50 microns [and the gripping means is a pneumatic gripping means].

17. The method recited in claim 15, [wherein the transferring step comprises] further comprising the steps of:

storing the shaped covering labels in a stack of a magazine;

extracting a label from the stack; and

unflattening the label extracted from stack prior to transferring the label to the mold.

18. The method recited in claim 15, wherein a plurality of labels are transferred simultaneously to the gripping means.

19. The method recited in claim 15, [wherein the transferring step further comprises] further comprising the steps of:

engaging a portion of the shaped label around a mold core; and

placing the label around the mold core with use of a thrusting member.

23. An apparatus for injection molding a receptacle, comprising:

a mold having a male portion and a female portion for molding the receptacle and operable to receive a covering label [from a group of covering labels] that will be interfaced to the receptacle wherein the label comprises at least two edges that have been joined together; and

a movable pneumatic transfer element for pneumatically gripping the label by contacting an outside face of the label, and for depositing the label on the male portion of the mold.

24. The apparatus recited in claim 23 comprising:

a magazine for storing [the] a group of labels in stack wherein the group of labels have been shaped and flattened [in the stack]; and

an element for [shaping] unflattening the covering label from the flattened state to an unflattened state.

25. The apparatus recited in claim 24, wherein the unflattening element further [comprising] comprises:

[an] a blowing element interfaced with the magazine for expanding the [flattened] label to unflatten the label[; and a], wherein the movable pneumatic transfer element, in communication with the blowing element, [for expanding the flattened label for gripping the expanded, flattened label by contacting an] grips said outside face of the label as the label expands to said unflattened state.

26. The apparatus recited in claim [25] 23, wherein the movable pneumatic transfer element [further] comprises a [moving] movable pneumatic transfer support element comprising a plurality of elements for holding the shaped and expanded label and for transferring a plurality of labels simultaneously into a multi-cavity mold.

27. The apparatus recited in claim 26, wherein the [moving] movable pneumatic transfer support element [further] comprises a plurality of cells each operable to receive at least a portion of an expanded label.

28. The apparatus recited in claim 27, further comprising a robot operable to move the [moving transport] movable pneumatic transfer support element relative to an axis of rotation and an axis of translation.